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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,634	10/19/2005	Emmanuel Deflin	P1913US	7446

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EXAMINER	
HOGE, GARY CHAPMAN	
ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
04/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,634	DEFLIN ET AL.	
	Examiner	Art Unit	
	Gary C. Hoge	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/18/05; 12/19/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. Claims 1-26 of this application conflict with claims 1-26 of Application No. 11/438,780. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Objections

2. Claim 25 is objected to because of the following informalities: on line 1, it appears that "places" should be "placed". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7, 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is no antecedent basis for "the supply/control means."

Regarding claim 10, there is no antecedent basis for "the pocket."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 2, 4, 6, 8, 13-15, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davila (4,602,191) in view of Walton (4,724,629).

Davila discloses a flexible display comprising: a flexible support **28**; a plurality of discrete light sources **20**, **22**, fastened to the flexible support so as to be spaced apart thereon; means, included in the flexible support, for transmitting, between a supply/control means and the discrete light sources, supply/control signals for the discrete light sources (see Fig. 5). However, Davila does not disclose a diffusing element that covers the light sources so as to diffuse the light coming from two adjacent discrete light sources in order to produce a substantially continuous luminous display on one face of the diffusing element. Walton teaches that it was known in the art to cover a series of discrete light sources with a diffusing element **26**, in order to make the discrete light sources appear to be a single, continuous light. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display

disclosed by Davila with a diffusing element, as taught by Walton, in order to make the discrete light sources appear to be a single, continuous light.

Regarding claims 2 and 15, see the Abstract.

Regarding claims 6 and 19, the light sources disclosed by Davila are light-emitting diodes, and they are attached to the flexible support. It is not known whether the LED's are attached by soldering, but the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation does not distinguish over the prior art.

8. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davila (4,602,191) in view of Walton (4,724,629), as applied to claims 1 and 8, respectively, above, and further in view of Guritz (5,128,843).

Davila discloses the invention substantially as claimed, as set forth above. However, Davila does not disclose a covering element that covers the face of the diffusing element while letting light pass through it. Guritz teaches that it was known in the art to provide a translucent covering element **46** that protects a string of LED's. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the LED's disclosed by Davila with a covering element, as taught by Guritz, in order to more fully protect the LED's.

9. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davila (4,602,191) in view of Walton (4,724,629), as applied to claims 6 and 19, respectively, above, and further in view of Konagaya (6,474,836).

Davila discloses the invention substantially as claimed, as set forth above. However, Davila does not disclose a flexible resin covering the LED's. Konagaya teaches that it was known in the art to provide a flexible resin to protect the LED's (column 17, lines 28-32). It

would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Davila with a flexible resin covering the LED's, as taught by Konagaya, in order to protect the LED's.

10. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davila (4,602,191) in view of Walton (4,724,629), as applied to claim 8, above, and further in view of Allen (5,613,756).

Davila discloses the invention substantially as claimed, as set forth above. However, Davila does not disclose a pocket into which the display is placed. Allen teaches that it was known in the art to insert an illuminated display into a pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Davila with a pocket into which the display is inserted, as taught by Allen, in order to protect and support the display.

Regarding claim 10, Allen discloses a zippered slot for extracting the display.

Regarding claim 11, the upper piece incorporates the diffusing element of the display in the sense that it encloses and supports it.

11. Claims 1, 2, 4-6, 8, 13-15, 17-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (2004/0009729) in view of Walton (4,724,629).

Hill discloses a flexible display comprising: a flexible support **100**; a plurality of discrete light sources **160** fastened to the flexible support so as to be spaced apart thereon; means, included in the flexible support, for transmitting, between a supply/control means and the discrete light sources, supply/control signals for the discrete light sources (i.e., conductive yarn). However, Hill does not disclose a diffusing element that covers the light sources so as to diffuse

the light coming from two adjacent discrete light sources in order to produce a substantially continuous luminous display on one face of the diffusing element. Walton teaches that it was known in the art to cover a series of discrete light sources with a diffusing element **26**, in order to make the discrete light sources appear to be a single, continuous light. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Hill with a diffusing element, as taught by Walton, in order to make the discrete light sources appear to be a single, continuous light.

Regarding claims 2 and 15, see Fig. 1.

Regarding claims 5, 6, 18, 19 and 22, see paragraph 0024.

Regarding claim 24, see paragraphs 0022 through 0026.

12. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (2004/0009729) in view of Walton (4,724,629), as applied to claims 1 and 8, respectively, above, and further in view of Guritz (5,128,843).

Hill discloses the invention substantially as claimed, as set forth above. However, Hill does not disclose a covering element that covers the face of the diffusing element while letting light pass through it. Guritz teaches that it was known in the art to provide a translucent covering element **46** that protects a string of LED's. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the LED's disclosed by Hill with a covering element, as taught by Guritz, in order to more fully protect the LED's.

13. Claims 7, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (2004/0009729) in view of Walton (4,724,629), as applied to claims 6, 19 and 21, respectively, above, and further in view of Konagaya (6,474,836).

Hill discloses the invention substantially as claimed, as set forth above. However, Hill does not disclose a flexible resin covering the LED's. Konagaya teaches that it was known in the art to provide a flexible resin to protect the LED's (column 17, lines 28-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Hill with a flexible resin covering the LED's, as taught by Konagaya, in order to protect the LED's.

14. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (2004/0009729) in view of Walton (4,724,629), as applied to claim 8, above, and further in view of Allen (5,613,756).

Hill discloses the invention substantially as claimed, as set forth above. However, Hill does not disclose a pocket into which the display is placed. Allen teaches that it was known in the art to insert an illuminated display into a pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Hill with a pocket into which the display is inserted, as taught by Allen, in order to protect and support the display.

Regarding claim 10, Allen discloses a zippered slot for extracting the display.

Regarding claim 11, the upper piece incorporates the diffusing element of the display in the sense that it encloses and supports it.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary C. Hoge/
Primary Examiner, Art Unit 3611